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Letter dated 25 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 22 July 2002 (S/2002/812).

The Counter-Terrorism Committee has received the attached supplementary report from Qatar, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 21 October 2002 from the Permanent Mission of Qatar to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the State of Qatar to the United Nations presents it compliments to the Chairman of the Counter-Terrorism Committee and, in reference to the latter's note of 24 April 2002 concerning the Committee's request that the State of Qatar provide information on certain points on counter-terrorism, has the honour to attach herewith the complete report of the concerned authority in the State of Qatar, in accordance with paragraph (6) of resolution 1373 (2001).

Enclosure

Report containing the replies of the State of Qatar to the questions of the Security Council's Counter-Terrorism Committee established pursuant to resolution 1373 (2001)

Part I: Paragraph 1

Progress report on the consideration being given to the implementation of the International Convention for the Suppression of the Financing of Terrorism

A joint ministerial committee has been constituted to study the accession of the State of Qatar to all the international agreements and conventions on combating terrorism, including the International Convention for the Suppression of the Financing of Terrorism. The committee began its work last July and upon completion of this work, will submit its recommendations to the Council of Ministers.

A detailed outline of legislation or proposed legislation relating to the consideration of the international conventions for the suppression of the financing of terrorism

The competent legislative authorities have prepared a draft penal code to replace the existing Penal Code. Chapter III of this draft code is devoted to crimes of terrorism. Article 141 of this Chapter makes the financing of terrorist groups a criminal offence and punishes offenders by life imprisonment. As regards the progress made by the draft penal code in particular, the Council of Ministers has approved it, and it has been submitted to the Consultative Council for the completion of the necessary legislative procedures.

Detailed outline of the money-laundering bill and progress report on its enactment and implementation

The State of Qatar has completed all the legislative stages of the money-laundering bill, and on 10 September 2002, Law No. 28 of 2002 on combating money-laundering was enacted. Its most important provisions are as follows:

1. This law prescribes the criminalization of money-laundering activities, since it provides that: "Whosoever acquires, possess, disposes of, manages, replaces, deposits, supplements, invests, transfers or exchanges money obtained from crimes involving narcotic drugs and psychotropic substances, the crimes of blackmail and theft, forgery and the counterfeiting of bank notes and coins, the illicit trade in arms, munitions and explosives, crimes relating to the protection of the environment, or trafficking in women and children, where the purpose thereof is to conceal the real source of the money and make it appear that its source is legitimate" shall be deemed to have committed the crime of money-laundering; as shall "any agent of a financial institution who hands over or exchanges or enters in financial or banking transactions amounts of cash or bank notes where he knows, or has abundant reason to believe, that this money constitutes the proceeds of one of the crimes referred to in the previous paragraph".

2. The above-mentioned law imposes various penalties on the perpetrators of the crime of money-laundering, depending on the gravity of the act, the maximum

being a term of imprisonment not exceeding seven years and a fine of not less than 50,000 Qatar Rials and not exceeding the value of the money involved in the crime. These punishments shall be doubled if the crime was committed in partnership with others or in the event of a repeated offence. In all cases the court shall order the means by which the crime was committed and its proceeds to be confiscated. The law provides for the application of these punishments to juridical persons and for the courts to order the cancellation of their licences or the cessation of their activities.

3. The above-mentioned law entrusts the Central Bank of Qatar with the task of determining the duties of the financial institutions in combating money-laundering and monitoring how these duties are carried out. It also provides for the establishment of a committee in the Bank, entitled the Committee for Combating Money-Laundering, consisting of representatives of the Bank and the Ministry of the Interior, the Ministry of Civil Service Affairs and Housing, the Ministry of Finance, Economy and Commerce and the Ministry of Justice. It has the following special tasks:

(a) To draw up and endorse plans and programmes for combating money-laundering and monitor the implementation thereof and coordination with the authorities responsible for implementing statutory provisions and conventions on combating money-laundering.

(b) To monitor international developments in the sphere of its activities and propose the necessary measures in this field.

(c) To monitor the implementation of court judgements relating to the crimes of money-laundering and the implementation of measures relating to international cooperation to combat money-laundering.

(d) The coordinator of the Committee for Combating Money-Laundering is entrusted with the task of implementing the Committee's decisions and obtaining statements in cases in which the crime of money-laundering is suspected.

4. The above-mentioned law prescribes that the crime of money-laundering be considered one of the crimes in respect of which exchanges of information, coordination, international cooperation and the extradition of criminals are permitted, in accordance with provisions of any conventions concluded or acceded to by the State.

5. The above-mentioned law gives the coordinator of the Committee and the officials of the competent authority, concerning whom a decision is issued, the status of judicial police commissioners for the establishment and control of the crimes referred to in this law.

Laws and practical controls and surveillance measures to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism

Article 85 of the Qatar Penal Code provides that: "Any person not covered by Article 84 above who provides either financial or moral assistance in promoting an illegal organization, while knowing or having reason to believe that it is an illegal organization, shall be punished by a term of imprisonment of not more than one year and by a fine not exceeding 1,000 Rials, or by both penalties".

The collection of funds and donations in the State of Qatar by private organizations and institutions is governed by Law No. 8 of 1998 on private organizations and institutions. Article 27 thereof provides that organizations are only permitted to collect donations in order to attain their objectives on the basis of an authorization issued by the Ministry of Civil Service Affairs and Housing. Funds may be collected insofar as this is not incompatible with the laws and regulations in force.

The Department for Social Affairs in the Ministry of Civil Service Affairs and Housing is responsible for overseeing these organizations and the way in which the gathering of donations and funds is organized.

This Department has adopted a number of measures in this connection, including the following:

- It has appointed auditors for the organizations in question, in addition to the financial auditing carried on by the ministry responsible.
- It has directed private organizations and institutions to comply with the legal provisions and procedures and advised them of their duty to observe them in collecting funds and the method of disposing of it.
- No projects may be set up and no funds intended for such projects may be sent outside the State without prior written assent from this Department.
- The Department must be presented with the names and addresses of the organizations, institutions and persons receiving transfers of fund for implementing projects abroad.

Since the events of 11 September the competent State authorities have put an end to the collection of donations by organizations registered outside the State of Qatar.

In application of the provisions of the note of the Chairman of the Security Council committee set up pursuant to resolution 1267 (1999), all persons and entities featuring on the list attached to that note and connected to al-Qa'idah or the Taliban have been banned from entering the State of Qatar and from collecting or receiving any funds through associations operating in the State.

The laws and procedures available to regulate alternative remittance systems including hawala

The Central Bank issues circulars to financial institutions in the State of Qatar requiring them to take intensive measures to monitor transfers of funds, namely by preserving identity documents and the records of transactions and notifying the Central Bank of suspicious transactions. It should be pointed out that hawala and other alternative systems of payment may only take place with the permission of the Central Bank.

The legal effect of the decision of the Central Bank to freeze the accounts of 26 depositors

In accordance with legal decree No. 15 of 1993 establishing the Central Bank of Qatar and amendments thereto and the circulars which it has issued, the Bank implements the best supervision and investigation practices recommended by

international organizations such as the Financial Action Task Force on Money Laundering (FATF), the International Monetary Fund, the United Nations, the Basel Committee on Banking Supervision, the World Bank, etc.

In the light of the above, the Central Bank has issued circulars to banks and financial institutions to implement its instructions on combating money-laundering and the funding of terrorism.

It should be pointed out that the decision of the Central Bank to freeze the accounts of 26 depositors has been circulated to all banks and financial institutions operating in the State of Qatar, and it is now clear that there are no longer any funds or accounts belonging to individuals or entities featured on the list of the 26 depositors.

Part II: Paragraph 2

Subparagraph 2 (a)

Provisions of the third chapter of the draft penal code and the current stage of enactment and implementation

This chapter contains provisions on the definition and criminalization of terrorist acts whether committed by individuals or groups and imposes various penalties according to the gravity of the act, with the maximum being the death penalty or life imprisonment (Articles 138 to 140).

As mentioned above, the Council of Ministers has endorsed the draft penal code and submitted it to the Consultative Council to complete the necessary legislative procedures.

Detailed outline of legislative and practical measures preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support

Article 84 of the existing Penal Code provides that: "Whosoever founds or participates in the founding of, or runs, or participates to any extent in the running of, an illegal organization shall be punished by a term of imprisonment not exceeding seven years".

Article 85 provides as follows: "Any person not covered by the above Article who provides either financial or moral assistance in promoting an illegal organization, while knowing or having reason to believe there is an illegal organization, shall be punished by a term of imprisonment of not more than one year and by a fine not exceeding 1,000 Rials, or by both penalties."

Article 141 of the draft penal code of Qatar provides that: "Whosoever knowingly procures for, or gives to, an association, a body, an organization, a group or a gang referred to in the previous Article, arms, munitions or equipment to assist them in achieving their objective shall be punished by life imprisonment."

It should be pointed out that the draft penal code also deals with these matters in Articles 139 to 145.

What measures does Qatar have in place to prevent terrorists obtaining weapons within or outside its territory, in particular small arms or light weapons? What legislation exists concerning the acquisition, possession, import and export of weapons?

The legislation in force is law No. 14 of 1999 on arms, munitions and explosives, a copy of which is attached. This law criminalizes a large number of acts which it considers terrorist acts and includes a set of harsh rules and penalties, the maximum being the death penalty, to prevent terrorists from being supplied with arms.

Article 20 of the law in question prohibits the import or export of, or trade in, arms without a licence and prohibits the issuing of a licence for bringing such arms or munitions into, or taking them out of, the State of Qatar.

Article 21 of the law lays down strict conditions which must be satisfied in requesting authorization to import or export arms or trade in arms.

The draft penal code contains provisions criminalizing and punishing the acts in question. Article 141 provides that: "Whosoever knowingly obtains for, or gives to, an association, a body, an organization, a group or a gang referred to in the previous Article weapons, munitions or equipment which assist them in achieving their objective or sends supplies to them or collects funds or enters into criminal communications of whatever kind with the heads or leaders of such a gang, and whosoever provides the perpetrators of such crimes with quarters or shelter or a meeting place or any other facilities shall be punished by life imprisonment."

It should be pointed out that the State of Qatar has no arms industry or any places for selling arms.

Subparagraph 2 (b)

Does Qatar have a body specialized in counter-terrorism, or is that the responsibility of a number of departments or agencies? In the latter case, how is coordination between the various entities effected?

Combating terrorism is the responsibility of a number of State authorities:

- The general intelligence apparatus
- The State security intelligence service
- The Minister of the Interior's security forces department
- The Qatar armed forces' special forces unit
- The General Customs and Ports Authority
- The Central Bank of Qatar

Officials of the last two organizations have been granted powers of judicial control which give them the right to control the crimes and seize the equipment and funds used in perpetrating them. The Minister of the Interior assumes responsibility for coordination between these authorities in this field. Cooperation between these bodies takes place through direct contacts, periodic meetings and exchanges of information. Despite the fact that the State of Qatar is free of terrorist crimes and does not suffer from terrorism directly, recent international developments as regards

the growth of this phenomenon and the danger it poses to the international community as a whole means that the State of Qatar and its security bodies must strive to combat terrorism as part of an overall State policy in keeping with the requirements of this stage of development.

Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

Each authority is constantly defining its strategy as part of the general policies defined by the supreme authorities in the State.

The work of the various authorities concerned is coordinated, in addition to the periodic meetings held between them for consultation and exchanges of information about relevant topics.

Please provide a progress report on the signing of the bilateral agreements on the extradition of, and the exchange of information relating to, criminals mentioned in chapter III of the report.

As regards bilateral agreements on the extradition of, and the exchange of information relating to, criminals, the State of Qatar has ratified a number of such agreements, signed a number of others and is studying other such agreements. The following table shows the position of the State of Qatar in respect of each of these agreements:

Table showing the position of the State of Qatar in respect of bilateral agreements on the extradition of, and the exchange of information relating to, criminals

Number	*Title*	*Date*	*Ratification*
1.	Agreement on security cooperation and the extradition of criminals with the Kingdom of Saudi Arabia of 1982	1982	Ratified in 1982
2.	Agreement on security cooperation with the Republic of Yemen of 2000	2000	Ratified in 2002
3.	Agreement on security cooperation with the Republic of Turkey of 2001	2001	It was agreed to ratify this agreement in 2002
4.	Agreement on legal and judicial cooperation with the Republic of Tunisia of 1997	1997	Ratified in 1998
5.	Agreement on legal and judicial cooperation with the Hashemite Kingdom of Jordan	1997	Ratified in 1997
6.	Memorandum of understanding on security cooperation with the French Republic	Signed in 1996	Ratification not necessary

Number	*Title*	*Date*	*Ratification*
7.	Draft agreement on legal and judicial cooperation with the French Republic	It has been agreed to sign this agreement	
8.	Draft agreement on legal and judicial cooperation with the Arab Republic of Egypt	Under consideration	
9.	Draft agreement on legal and judicial cooperation with the Syrian Arab Republic	Under consideration	
10.	Draft agreement on legal and judicial cooperation with the Kingdom of Morocco	Under consideration	
11.	Draft agreement on legal and judicial cooperation with the Lebanese Republic	Under consideration	
12.	Draft agreement on legal and judicial cooperation with the Republic of India	Under consideration	
13.	Draft agreement on legal and judicial cooperation with the Islamic Republic of Pakistan	Under consideration	
14.	Draft agreement on legal and judicial cooperation with the Republic of Iraq	Under consideration	
15.	Draft agreement on legal and judicial cooperation with the People's Democratic Republic of Algeria	Under consideration	
16.	Draft agreement on legal and judicial cooperation with the Republic of the Sudan	Under consideration	

Subparagraph 2 (c)

What legal provisions exist to prevent asylum-seekers and other persons of the type mentioned in subparagraph 2 (c) of the resolution from entering Qatar?

Law No. 3 of 1963 regulating the entry of foreigners into Qatar and their residence in this country contains numerous provisions controlling the entry of the groups in question. These include the following:

1. A person seeking to enter Qatar must hold a valid passport issued by the relevant authorities recognized in Qatar.

2. His passport must bear the entry visa of the relevant authorities of Qatar.

3. No person may enter or leave Qatar except by the border points of transit designated for this purpose and after a visa has been affixed to his passport.

4. The captains of vessels or aircraft shall notify the competent authorities of the names of those passengers who do not hold passports and prevent them from leaving the vessel or aircraft until the competent authorities have been informed.

The law gives the Minister of the Interior the power to deport a foreigner if it is established that his presence poses a threat to State security and domestic and external security. A foreigner in respect of whom a deportation order has been issued may only return to Qatar if the competent authorities so decide.

Among the measures taken to prevent the groups in question from entering Qatar, the relevant authorities check and investigate the identity of applicants for entry against the blacklist which contains the names of all suspects and persons who have committed terrorist acts. The relevant authorities seek to implement the Gulf Cooperation Council's security strategy for combating the extremism associated with terrorism which provides for: "the intensification of the necessary surveillance measures to secure the borders and air, land and sea border transit points to prevent the infiltration of terrorist extremists; the prevention of the smuggling of arms and munitions and a refusal to allow them to pass through, or to be stockpiled on, the territory of the State; the prevention of the use of State territory for planning, organizing and carrying out any act by extremist and terrorist elements; and efforts to prevent the harbouring, training, arming and financing of such elements or the provision of any facilities to them."

Subparagraph 2 (e)

What is the competence of the courts of Qatar to deal with criminal acts of each of the following kinds:

An act committed outside Qatar by a person who is a citizen of, or habitually resident in, Qatar (whether that person is currently present in Qatar or not);

An act committed outside Qatar by a foreign national who is currently in Qatar?

The Penal Code of Qatar of 1971 defines the scope of its applicability as regards persons in Articles 4-8 of the second section.

Article 6 provides for the punishment of any citizen of Qatar who commits outside Qatar a crime provided for by the law.

As regards acts committed abroad by a resident or foreigner, Qatar courts are concerned with such matters only insofar as they are linked to another crime committed in the State or if they are directed against the State of Qatar or relate to its currency, stamps or seals.

Articles 16 and 17 of the draft penal code subject all persons (nationals of Qatar, residents and foreigners) present in the State to the jurisdiction of Qatar courts in respect of certain crimes including international terrorism, whether these crimes are committed inside Qatar or abroad.

Subparagraph 2 (g)

Description of the mechanism for inter-agency coordination between the authorities responsible for narcotics control, financial tracking and security, in particular with regard to border controls

The bodies and authorities responsible for narcotics control, financial tracking and security coordinate their work and cooperate directly with each other, and the State of Qatar takes measures to secure control of the borders and border transit points in this respect. Units consisting of the various bodies concerned are stationed at the border transit points.

In 1999 the State of Qatar set up a committee entitled the Standing Committee for Narcotics and Alcohol which coordinates the work of, and cooperates with, the other local, regional and national bodies concerned, monitors the application of the decisions and recommendations issued in this area and submits periodic reports to the Ministry of the Interior.

In addition to the above, on the basis of the provisions of law No. 28 of 2002 on combating money-laundering, the State has set up the "National Committee for Combating Money-laundering" whose duties include drawing up and adopting plans and programmes for combating money-laundering and monitoring the implementation thereof and coordination with the competent bodies in order to implement the statutory provisions and agreements relating to combating the crime of money-laundering. The coordinator of this Committee is charged with the task of obtaining statements from the competent authorities where the crime of money-laundering is suspected, taking the relevant legal measures, monitoring the investigation and verification measures and the issuing of arrest warrants by the relevant judicial authority and monitoring the implementation of the judicial provisions and measures relating to international cooperation in combating money-laundering. In accordance with the provisions of Article 2 of the law in question, this crime covers money obtained through crimes involving narcotic drugs.

Measures taken to prevent the counterfeiting or fraudulent use of identity papers and travel documents (as distinct from the punishment of persons who commit such acts)

The new machine-readable passports of Qatar incorporate a number of marks and technical specifications intended to provide protection and prevent counterfeiting or the falsification of the information they contain.

Part III: Paragraph 3

Subparagraphs 3 (a), (b) and (c)

Institutional mechanism for implementing subparagraphs 3 (a), (b) and (c) of the resolution.

The State of Qatar has constituted a committee to coordinate the efforts of the authorities concerned to implement the commitments it has assumed pursuant to Security Council resolution 1373 (2001). The Committee has begun its work and submits periodic reports about its work to the Council of Ministers.

Subparagraph 3 (d)

Statement concerning the relevant international conventions and protocols relating to terrorism and on progress made by Qatar in:

becoming a party to the instruments to which it is not yet a party; and

enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party (where those instruments are not wholly capable of self-execution)

As mentioned above, the State of Qatar has set up a committee to consider all the international agreements and protocols on combating terrorism with a view to taking a decision on accession.

The State of Qatar is engaged in activating and implementing the provisions of all the relevant international conventions and protocols relating to terrorism to which it has acceded by promulgating national legislation to discharge these obligations. These include the following:

(a) Law No. 15 of 2002 on civil aviation has been enacted. Its most important provisions are Articles 93 to 101 and 106 to 107 which are all devoted to the criminalization and punishment of the perpetrators of attacks against aircraft and the safety of civil aviation and combating terrorism, in application of the agreements adopted in this field, namely the Tokyo Convention of 1963, The Hague Convention of 1970, the Montreal Convention of 1971 and the Protocol thereto of 1988, in addition to the provisions of the law complying with the obligations under the Chicago Convention of 1944, together with the annexes and amendments thereto.

(b) The draft penal code of Qatar referred to above contains an entire chapter devoted to crimes of terrorism.

(c) The draft code of penal procedure contains provisions relating to the extradition of criminals in line with international standards in this matter.

Subparagraph 3 (e)

Have the crimes set forth in the relevant international conventions and protocols been included as extraditable offences in the bilateral treaties to which Qatar is a party?

The above-mentioned bilateral agreements on security, legal and judicial cooperation signed by the State contain some of the crimes featuring in the relevant international agreements and protocols, and the competent State authorities are endeavouring to incorporate these crimes in the corresponding draft bilateral agreements which are currently under consideration or which will be signed in the future.

Subparagraph 3 (f)

The report states that conventions have the force of the law in Qatar upon Qatar becoming a party to them. The CTC would be grateful for clarification on how Qatar discharges the obligations imposed on States by the relevant international conventions and protocols to legislate with respect to matters specified in those conventions and protocols or to include particular provisions in bilateral treaties.

Article 24 of the amended provisional constitution provides that conventions are adopted by His Highness the Emir by decree and acquire the force of law after adoption, ratification and promulgation in the official journal.

However, in order to ensure the implementation of these conventions, new, domestic legislation must be enacted and existing legislation amended, and this is what the State is doing. Reference has already been made to the enactment of legislation of this kind, such as the law on combating money-laundering and the law on civil aviation.

Subparagraph 3 (g)

Please describe the procedures and legal provisions that regulate extradition. Is Qatar a party to any bilateral treaties on extradition?

The existing Code of Penal Procedure contains no provisions regulating the extradition of criminals, and this matter has been left to bilateral conventions. The draft code of penal procedure has addressed this.

As has already been mentioned, the State of Qatar is a party to numerous bilateral conventions which contain provisions regulating the extradition of criminals, including the conventions concluded with the Kingdom of Saudi Arabia, the Republic of Yemen and the Republic of Tunisia.

Is it possible under the law of Qatar for requests for the extradition of alleged terrorists to be refused on political grounds?

As already mentioned, the Code of Penal Procedure of Qatar currently in force does not contain any provisions on the extradition of criminals.

Part IV

Has Qatar addressed any of the concerns expressed in paragraph 4 of the resolution?

In the field of drug trafficking the State of Qatar has acceded to a number of international conventions for combating narcotic drugs, foremost among which is the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed in Vienna on 20 December 1988.

Law 9 of 1987 on combating narcotic drugs and dangerous psychotropic substances and regulating their use and the trade in these substances (attached to the report) addresses the subject of the confiscation of funds derived from drug trafficking through the provisions of Article 43. The law has increased the severity of the penalties for drug trafficking, the maximum now being the death penalty.

In the field of arms trafficking, the above-mentioned law No. 14 of 1999 on arms, munitions and explosives (attached to this report) contains a number of acts which are considered terrorist acts and includes a set of harsh provisions and severe penalties, the maximum being the death penalty, which reduce the opportunities for terrorists to be supplied with arms or for arms trafficking.

In the field of smuggling of nuclear materials and other potentially deadly substances, the State of Qatar acceded to the Treaty on the Non-Proliferation of Nuclear Weapons in 1989. With regard to chemical weapons it ratified the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 1997, and it also ratified the international Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction in 1975.

Could Qatar please provide an organizational chart of its administrative machinery, such as police, customs and taxation authorities?

The following documents are attached to this report

- organizational chart of the Ministry of the Interior
- organizational chart of the Central Bank of Qatar
- draft organizational chart of the General Customs and Ports Authority

Annexes

1. The Penal Code of Qatar of 1971 (section relating to the applicability thereof)
2. The law on arms, munitions and explosives
3. The law on combating money-laundering
4. The law regulating the entry into and residence in Qatar of foreigners
5. The law on combating narcotic drugs and dangerous psychotropic substances and regulating their use and the trade in these substances
6. Organizational chart of the Ministry of the Interior
7. Organizational chart of the Central Bank of Qatar
8. Draft organizational chart of the General Customs and Ports Authority